

Message Text

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ACTION SS-25

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FM AMEMBASSY BANGKOK
TO SECSTATE WASHDC IMMEDIATE 3086

C O N F I D E N T I A L BANGKOK 6924

STADIS////////////////////////////////////

EXDIS

E.O. 11652: GDS
TAGS: MARR, TH
SUBJECT: THE LUACHAI CASE

FOR ASST SECY HABIB FROM MASTERS

REF: BANGKOK 6833

1. I KNOW THE TREMENDOUS WORKLOAD YOU HAVE, BUT HOPE YOU WILL TAKE TIME TO READ THE REFTEL AND GIVE US YOUR SUPPORT IN OUR EFFORTS TO DEFUSE AN ISSUE WHICH COULD TREATEN BASIC ASPECTS OF OUR MILITARY PRESENCE IN THAILAND.

2. LUACHAI, A THAI EMPLOYEE OF THE NCO CLUB AT THE RAMASUN RADIO RESEARCH STATION, WAS DISMISSED FOR CAUSE SEVERAL MONTHS AGO. DURING A SUBSEQUENT VISIT TO THE STATION, HE WAS MANHANDLED BY U.S. MILITARY POLICE. HE HAS SOUGHT REDRESS IN THE THAI COURTS BY BRINGING A CASE AGAINST THE FOUR U.S. MILITARY PERSONNEL INVOLVED. WITH THE HELP OF STUDENT AGITATORS AND A HIGHLY NATIONALISTIC PRESS HE HAS SUCCEEDED IN BUILDING HIS CASE INTO A NATIONAL ISSUE WHICH THREATENS SERIOUS CONSEQUENCES FOR US.

3. AS IS USUAL IN CASES INVOLVING PERSONNEL FROM THIS STAION, WE CLAIMED DIPLOMATIC IMMUNITY FOR THE U.S. PERSONNEL. UNDER THE PREVIOUS MILITARY GOVERNMENTS, THIS
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USUALLY WORKED, BUT EVEN THEN THERE WAS SLIPPAGE. WE HAVE

NO SOFA, BUT "IMMUNITY" FOR PEOPLE AT RAMASUN (BUT NOT FOR OUR FORCES IN GENERAL) HAS IN THE PAST BEEN BASED ON A VAGUELY WORDED, SECRET EXCHANGE OF LETTERS IN 1965 BETWEEN GRAHAM MARTIN AND MARSHAL DAWEE.

4. FOREIGN MINISTER CHATCHAI TOLD ME ON APRIL 18 THAT THESE LETTERS ARE "NOT WORTH THE PAPER THEY ARE WRITTEN ON" BECAUSE DAWEE HAD NO AUTHORITY TO MAKE AGREEMENTS ON SUCH MATTERS. SENIOR OFFICIALS IN THE INTERIOR AND JUSTICE MINISTRIES HAVE ALSO TOLD ME THEY CANNOT SUPPRT US ON THIS AND BELIEVE IF THIS CASE CONTINUES, THERE WILL HAVE TO BE A COURT TEST OF THE VALIDITY OF THE EXCHANGE OF LETTERS. SUPREME COMMAND HAS REFERRED US TO THE FOREIGN MINISTRY. IF THERE WERE A COURT TEST OF THIS CASE, OUR SECRET LETTERS WOULD HAVE TO BE REVEALED, AND WE WOULD ALMOST CERTAINLY LOSE. TO ME THIS MEANS THAT "DIPLOMATIC IMMUNITY" IN A SECRET AGREEMENT WHICH CANNOT BE INVOLVED BECAUSE OF THE CURRENT POLITICAL SITUATION IS NOT WORTH MUCH CONSIDERING THE CONSEQUENCES OF FIGHTING ON.

5. WE ARE NOW FACED WITH A SITUATION IN WHICH THAI NATIONALISM HAS BEEN TRIGGERED. STUDENT DEMONSTRATORS AND THE PRESS HAVE MADE A MAJOR ISSUE OF THE CASE. THE THAI, INCLUDING OUR MILITARY FRIENDS, WILL NOT STICK THEIR NECKS OUT BY SUPPORTING US. IF WE FAIL TO RESOLVE THE PROBLEMS QUICKLY, THIS ISSUE WILL HAVE A HIGHLY ADVERSE EFFECT ON OUR WHOLE MILITARY PRESENCE AND WILL ENDANGER THAI COOPERATION ON OTHER MATTERS I AM DISCUSSING WITH THEM. SPEED IS IMPORTANT, SINCE THE STUDENTS ARE GATHERING THEIR FORCES AND THE DIPLOMATIC IMMUNITY ISSUE IS SCHEDULED TO BE RAISED IN THE PARLIAMENT ON APRIL 24 BY A PROMINENT MEMBER OF THE OPPOSITION.

6. IN THIS SITUATION, IT SEEMS BEST TO CUT OUR LOSSES. THE IN THE REFTEL WE HAVE ADVANCED A PROPOSED SOLUTION WORKED OUT HERE WHICH FUZZES THE DI ISSUE BUT GETS US OFF THE HOOK. OUR THAI FRIENDS DO NOT BELIEVE THE ISSUE WILL BE LAID TO REST BY ANYTHING SHORT OF THIS. THERE IS NO QUESTION THAT WE LOSE SOMETHING BY ACCEPTING THIS WAY OUT BUT SUCH "IMMUNITY" AS THE PEOPLE AT RAMASUN HAVE IS BASED IN ANY EVENT ON SUFFERANCE RATHER THAN ANY BINDING AGREEMENT. I AM CONFIDENTIAL

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CONVINCED WE LOSE FAR MORE IF WE DO NOT SETTLE THIS ISSUE NOW.

7. I HOPE WE CAN HAVE YOUR SUPPORT IN PUSHING OUR PROPOSAL THROUGH TODAY. MASTERS

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